

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Ridley-Thomas

February 27, 2015

An act to amend Sections 5001, 5008, 5013, 5150, 5150.05, 5150.1, 5150.2, 5151, 5152.1, 5153, and 5270.50 of, to add Sections 5001.5, 5022, 5023, 5024, 5025, 5026, 5150.3, 5151.1, and 5151.2 to, to add the heading of Article 1.3 (commencing with Section 5151) to, to add Article 1.1 (commencing with Section 5150.10) to, to add Article 1.2 (commencing with Section 5150.30) to, Chapter 2 of Part 1 of Division 5 of, to repeal Section 5150.4 of, and to repeal and add Section 5152.2 of, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as introduced, Ridley-Thomas. Mental health: involuntary commitment.

Under existing law, when a person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional person, and placed in a facility designated by the county and approved by the State Department of Health Care Services as a facility for 72-hour treatment and evaluation.

This bill would authorize counties to designate one or more persons to act as a local or regional liaison to assist a person who is a patient in an emergency department of a defined nondesignated hospital and who has been detained, or who may require detention, for evaluation and treatment, as specified. The bill would reorganize and make changes

to the provisions relating to the detention for evaluation and treatment of a person who may be subject to the above provisions, including specifying procedures for delivery of those individuals to various facilities; evaluation of the person for probable cause for detention for evaluation and treatment; terms and length of detention, where appropriate, in various types of facilities; and criteria for release from defined designated facilities and nondesignated hospitals. The bill would authorize a provider of ambulance services to transfer a person who is voluntarily transferring to a designated facility for evaluation and treatment. The bill would also make changes to the methods by which law enforcement is notified of the release of a person detained for evaluation and treatment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5001 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5001. The provisions of this part and Part 1.5 (commencing
- 4 with Section 5585) shall be construed to promote the legislative
- 5 intent as follows:
- 6 (a) To end the inappropriate, indefinite, and involuntary
- 7 commitment of persons with mental health disorders,
- 8 developmental disabilities, and chronic alcoholism, and to eliminate
- 9 legal disabilities.
- 10 (b) To provide prompt evaluation and treatment of persons with
- 11 mental health disorders or impaired by chronic alcoholism.
- 12 (c) To guarantee and protect public safety.
- 13 (d) To safeguard individual rights through judicial review.
- 14 (e) To provide individualized treatment, supervision, and
- 15 placement services by a conservatorship program for persons who
- 16 are gravely disabled.
- 17 (f) To encourage the full use of all existing agencies,
- 18 professional personnel, and public funds to accomplish these
- 19 objectives and to prevent duplication of services and unnecessary
- 20 expenditures.
- 21 (g) To protect persons with mental health disorders and
- 22 developmental disabilities from criminal acts.

1 (h) To provide consistent standards for protection of the personal
2 rights of persons receiving services under this part and under Part
3 1.5 (commencing with Section 5585).

4 (i) To provide services in the least restrictive setting appropriate
5 to the needs of each person receiving services under this part and
6 under Part 1.5 (commencing with Section 5585).

7 *(j) To ensure that persons receive services from facilities and*
8 *providers that are qualified and best suited to provide the services,*
9 *and that persons are not detained in settings that are not*
10 *therapeutic or not designed to meet their needs.*

11 *(k) To affirm that no person may be presumed to be incompetent*
12 *because he or she has been evaluated or treated for mental*
13 *disorder or chronic alcoholism, regardless of whether that*
14 *evaluation or treatment was voluntarily or involuntarily received.*

15 SEC. 2. Section 5001.5 is added to the Welfare and Institutions
16 Code, to read:

17 5001.5. It is the intent of the Legislature that each county shall
18 have the responsibility to ensure that all persons with mental
19 disorders who are subject to detention under this part or under Part
20 1.5 (commencing with Section 5585) receive prompt evaluation
21 and treatment in accordance with this part and Part 1.5
22 (commencing with Section 5585), including prompt assessment
23 of the need for evaluation and treatment. It is the intent of the
24 Legislature that each county establish and maintain a mental health
25 service system that has sufficient capacity to ensure the provision
26 of services under this Part and Part 1.5 (commencing with Section
27 5585), including, at a minimum, the services required under
28 paragraph (2) of subdivision (a) of Section 5651.

29 SEC. 3. Section 5008 of the Welfare and Institutions Code is
30 amended to read:

31 5008. Unless the context otherwise requires, the following
32 definitions shall govern the construction of this part:

33 ~~(a) "Evaluation" consists of multidisciplinary professional~~
34 ~~analyses of a person's medical, psychological, educational, social,~~
35 ~~financial, and legal conditions as may appear to constitute a~~
36 ~~problem. Persons providing evaluation services shall be properly~~
37 ~~qualified professionals and may be full-time employees of an~~
38 ~~agency providing face-to-face, which includes telehealth,~~
39 ~~evaluation services or may be part-time employees or may be~~
40 ~~employed on a contractual basis.~~

1 (a) “Antipsychotic medication” means medication customarily
2 prescribed for the treatment of symptoms of psychoses and other
3 severe mental and emotional disorders.

4 (b) “Application for detention for evaluation and treatment”
5 means the written application set forth in Section 5150.3.

6 (c) (1) “Assessment” means the determination, as described
7 in subdivision (b) of Section 5150 and Section 5151, of the
8 following:

9 (A) Whether the person meets the criteria for detention for
10 evaluation and treatment.

11 (B) Whether the person is in need of evaluation and treatment
12 and, if so, what services are needed for the person.

13 (C) Whether the person can be properly served without being
14 detained, in which case the services shall be provided on a
15 voluntary basis.

16 (2) “Assessment” includes, but is not limited to, mental status
17 determination, analysis of clinical and social history, analysis of
18 relevant cultural issues and history, diagnosis, and the use of
19 testing procedures.

20 (d) “Authorized professional” means any of the following:

21 (1) A person or category of persons, excluding peace officers,
22 who are authorized in writing by a county to provide services
23 described in Article 1 (commencing with Section 5150) of Chapter
24 2, including a probable cause determination for the detention of
25 a person for evaluation and treatment under Section 5150 and the
26 release of a person from detention for evaluation and treatment
27 under Section 5150.15.

28 (2) An authorized member of the professional staff of a facility.

29 (3) An authorized member of a mobile crisis team.

30 (e) “Conservatorship investigation” means an investigation,
31 by an agency appointed or designated by the governing body, of
32 cases in which conservatorship is recommended pursuant to
33 Chapter 3 (commencing with Section 5350).

34 (f) “Court,” unless otherwise specified, means a court of record.

35 ~~(b)~~

36 (g) “Court-ordered evaluation” means an evaluation ordered by
37 a superior court pursuant to Article 2 (commencing with Section
38 5200) or by a superior court pursuant to Article 3 (commencing
39 with Section 5225) of Chapter 2.

40 ~~(e)~~

1 (h) "Crisis intervention" consists of an interview or series of
2 interviews within a brief period of time, conducted by qualified
3 professionals, and designed to alleviate personal or family
4 situations which present a serious and imminent threat to the health
5 or stability of the person or the family. The interview or interviews
6 may be conducted in the home of the person or family, or on an
7 inpatient or outpatient basis with such therapy, or other services,
8 as may be appropriate. The interview or interviews may include
9 family members, significant support persons, providers, or other
10 entities or individuals, as appropriate and as authorized by law.
11 Crisis intervention may, as appropriate, include suicide prevention,
12 psychiatric, welfare, psychological, legal, or other social services.

13 ~~(f) "Prepetition screening" is a screening of all petitions for~~
14 ~~court-ordered evaluation as provided in Article 2 (commencing~~
15 ~~with Section 5200) of Chapter 2, consisting of a professional~~
16 ~~review of all petitions; an interview with the petitioner and,~~
17 ~~whenever possible, the person alleged, as a result of a mental health~~
18 ~~disorder, to be a danger to others, or to himself or herself, or to be~~
19 ~~gravely disabled, to assess the problem and explain the petition;~~
20 ~~when indicated, efforts to persuade the person to receive, on a~~
21 ~~voluntary basis, comprehensive evaluation, crisis intervention,~~
22 ~~referral, and other services specified in this part.~~

23 ~~(g) "Conservatorship investigation" means investigation by an~~
24 ~~agency appointed or designated by the governing body of cases in~~
25 ~~which conservatorship is recommended pursuant to Chapter 3~~
26 ~~(commencing with Section 5350).~~

27 (i) *"Crisis stabilization service or unit" means an ambulatory*
28 *service that provides probable cause determinations and*
29 *assessments, collateral services, and therapy within the scope of*
30 *its designation under this part.*

31 (j) *"Department" means the State Department of Health Care*
32 *Services.*

33 (k) (1) *"Designated facility" means a facility or a specific unit*
34 *or part of a facility that is licensed or certified as a mental health*
35 *evaluation facility, a mental health treatment facility, or a mental*
36 *health evaluation and treatment facility. A designated facility may*
37 *be an inpatient facility or an ambulatory facility.*

38 (2) *"Inpatient facility" means a health facility, or an inpatient*
39 *unit of a health facility, as defined in Chapter 2 (commencing with*
40 *Section 1250) of Division 2 of the Health and Safety Code, that is*

1 *licensed and has the capability to admit and treat persons on an*
2 *inpatient basis subject to the requirements of this part. A*
3 *designated inpatient facility includes any of the following:*

4 *(A) A general acute care hospital, as defined in subdivision (a)*
5 *of Section 1250 of the Health and Safety Code.*

6 *(B) An acute psychiatric hospital, as defined in subdivision (b)*
7 *of Section 1250 of the Health and Safety Code.*

8 *(C) A psychiatric health facility, as defined in Section 1250.2*
9 *of the Health and Safety Code.*

10 *(3) "Ambulatory facility" means a facility or other provider*
11 *designated by a county under Section 5023 that provides*
12 *psychiatric services lasting less than 24 hours in accordance with*
13 *applicable law and within the scope of the designation. An*
14 *ambulatory facility may include an outpatient hospital department,*
15 *clinic, crisis stabilization service or unit, medical group, facility*
16 *of a provider organization other than a medical group, or other*
17 *facility that meets the requirements established by the department*
18 *in accordance with Section 5023.*

19 *(l) "Detained for evaluation and treatment" and "detention for*
20 *evaluation and treatment" mean the taking into custody and*
21 *detention of a person in accordance with Section 5150.*

22 *(m) "Emergency" means a situation in which action to impose*
23 *treatment over the person's objection is immediately necessary*
24 *for the preservation of life or the prevention of serious bodily harm*
25 *to the patient or others, and it is impracticable to first gain consent.*
26 *It is not necessary for harm to take place or become unavoidable*
27 *prior to treatment.*

28 *(n) "Emergency transport provider" means a provider of*
29 *ambulance services licensed by the Department of the California*
30 *Highway Patrol or operated by a public safety agency and includes*
31 *the authorized personnel of an emergency transport provider who*
32 *are certified or licensed under Sections 1797.56, 1797.80, 1797.82,*
33 *and 1797.84 of the Health and Safety Code.*

34 *(o) "Evaluation" means a multidisciplinary professional*
35 *analyses of a person's medical, psychological, educational, social,*
36 *financial, and legal conditions as may appear to constitute a*
37 *problem. Persons providing evaluation services shall be properly*
38 *qualified professionals and may be full-time employees or*
39 *independent contractors of a county, designated facility, or other*

1 *agency providing face-to-face evaluation services, which includes*
2 *telehealth.*

3 ~~(h)~~

4 (p) (1) For purposes of Article 1 (commencing with Section
5 5150), Article 2 (commencing with Section 5200), and Article 4
6 (commencing with Section 5250) of Chapter 2, and for the purposes
7 of Chapter 3 (commencing with Section 5350), “gravely disabled”
8 means either of the following:

9 (A) A condition in which a person, as a result of a mental health
10 disorder, is unable to provide for his or her basic personal needs
11 for food, clothing, or shelter.

12 (B) A condition in which a person, has been found mentally
13 incompetent under Section 1370 of the Penal Code and all of the
14 following facts exist:

15 (i) The indictment or information pending against the person at
16 the time of commitment charges a felony involving death, great
17 bodily harm, or a serious threat to the physical well-being of
18 another person.

19 (ii) The indictment or information has not been dismissed.

20 (iii) As a result of a mental health disorder, the person is unable
21 to understand the nature and purpose of the proceedings taken
22 against him or her and to assist counsel in the conduct of his or
23 her defense in a rational manner.

24 (2) For purposes of Article 3 (commencing with Section 5225)
25 and Article 4 (commencing with Section 5250), of Chapter 2, and
26 for the purposes of Chapter 3 (commencing with Section 5350),
27 “gravely disabled” means a condition in which a person, as a result
28 of impairment by chronic alcoholism, is unable to provide for his
29 or her basic personal needs for food, clothing, or shelter.

30 (3) The term “gravely disabled” does not include persons with
31 intellectual disabilities by reason of that disability alone.

32 (q) *“Intensive treatment” consists of hospital and other services*
33 *as may be indicated. Intensive treatment shall be provided by*
34 *properly qualified professionals and carried out in facilities*
35 *qualifying for reimbursement under the California Medical*
36 *Assistance Program (Medi-Cal) set forth in Chapter 7*
37 *(commencing with Section 14000) of Part 3 of Division 9, or under*
38 *Title XVIII of the federal Social Security Act and regulations*
39 *thereunder. Intensive treatment may be provided in hospitals of*
40 *the United States government by properly qualified professionals.*

1 *Nothing in this part shall be construed to prohibit an intensive*
2 *treatment facility from also providing 72-hour evaluation and*
3 *treatment.*

4 (r) *“Local or regional liaison” means a person or persons*
5 *authorized by a county, or by two or more counties acting jointly,*
6 *under Section 5024.*

7 (s) *“Mobile crisis team” means a team comprised of one or*
8 *more professionals, and which may also include peer counselors,*
9 *who are authorized by a county to provide probable cause*
10 *determinations and other services under this part.*

11 (i)

12 (t) *“Peace officer” means a duly sworn peace officer as that*
13 *term is defined in Chapter 4.5 (commencing with Section 830) of*
14 *Title 3 of Part 2 of the Penal Code who has completed the basic*
15 *training course established by the Commission on Peace Officer*
16 *Standards and Training, or any parole officer or probation officer*
17 *specified in Section 830.5 of the Penal Code when acting in relation*
18 *to cases for which he or she has a legally mandated responsibility.*

19 (j)

20 (u) *“Postcertification treatment” means an additional period of*
21 *treatment pursuant to Article 6 (commencing with Section 5300)*
22 *of Chapter 2.*

23 (v) *“Prepetition screening” is a screening of all petitions for*
24 *court-ordered evaluation as provided in Article 2 (commencing*
25 *with Section 5200) of Chapter 2, consisting of a professional review*
26 *of the petition; an interview with the petitioner and, whenever*
27 *possible, the person alleged, as a result of a mental health disorder,*
28 *to be a danger to others, or to himself or herself, or to be gravely*
29 *disabled, to assess the problem and explain the petition; and when*
30 *indicated, efforts to persuade the person to receive, on a voluntary*
31 *basis, comprehensive evaluation, crisis intervention, referral, and*
32 *other services specified in this part.*

33 (w) *“Probable cause determination” means a determination*
34 *whether there is probable cause for the detention of a person for*
35 *evaluation and treatment.*

36 (x) *“Professional person in charge of a facility” means the*
37 *licensed person authorized by a designated facility who is*
38 *responsible for the clinical direction of the designated facility.*

39 (y) *“Professional staff” means the medical staff or other*
40 *organized professional staff of an inpatient facility.*

1 (z) “Referral” means referral of persons by each facility,
2 provider, or other organization providing assessment, evaluation,
3 crisis intervention, or treatment services to other facilities,
4 providers, or agencies in accordance with Section 5013 and Part
5 1.5 (commencing with Section 5585).

6 (aa) “Telehealth” means the telehealth services, as defined in
7 paragraph (6) of subdivision (a) of Section 2290.5 of the Business
8 and Professions Code, for the purpose of providing services under
9 this part, including a probable cause determination, the release
10 of a person from detention for evaluation and treatment under
11 Section 5150.15, assessment or evaluation, and treatment. For
12 purposes of this part, telehealth services may be used by any
13 licensed professional, including a psychologist, clinical social
14 worker, and other mental health professional, acting within the
15 scope of his or her profession for providing evaluation, treatment,
16 consultation, or other mental health services under this part.

17 SEC. 4. Section 5013 of the Welfare and Institutions Code is
18 amended to read:

19 5013. (a) ~~It~~ The purpose of a referral shall be to provide for
20 continuity of care. A referral may include, but need not be limited
21 to, informing the person of available services, making appointments
22 on the person’s behalf, communication with the agency or
23 individual to which the person has been referred, appraising the
24 outcome of referrals, and arranging for escort, transportation, or
25 both, when necessary. A referral shall be considered complete
26 when the agency or individual to whom the person has been
27 referred accepts responsibility for providing the necessary services.
28 All persons shall be advised of available precare services that
29 prevent initial recourse to hospital treatment or aftercare services
30 that support adjustment to community living following hospital
31 treatment. These services may be provided through county or city
32 mental health departments, state hospitals under the jurisdiction
33 of the State Department of State Hospitals, regional centers under
34 contract with the State Department of Developmental Services, or
35 other public or private entities.

36 (b) It is the intent of the Legislature that referrals between
37 facilities, providers, and other organizations shall be facilitated by
38 the sharing of information and records in accordance with Section
39 5328 and applicable federal and state laws.

40 (b)

(c) Each city or county ~~mental~~ *behavioral* health department is encouraged to include on its Internet Web site a current list of ambulatory *behavioral health* services and other resources for persons with ~~mental~~ *behavioral* health disorders and substance use disorders in the city or county that may be accessed by providers and consumers of ~~mental~~ *behavioral* health services. The list of services on the Internet Web site should be updated at least annually by the city or county ~~mental~~ *behavioral* health department.

SEC. 5. Section 5022 is added to the Welfare and Institutions Code, to read:

5022. The department shall promote the consistent statewide application of this part in order to ensure protection of the personal rights of all persons who are subject to this part and Part 1.5 (commencing with Section 5585). The department shall provide oversight of the statewide application of this part and facilitate discussion among the organizations listed in subdivision (a) of Section 5400, law enforcement agencies, hospitals, mental health professionals, county patients' rights advocates, and other stakeholders as may be necessary or desirable to achieve the legislative intent of consistent statewide application. These discussions shall include situations where persons are certified for additional intensive treatment in a county authorizing that treatment under Article 4.7 (commencing with Section 5270.10) of Chapter 2 who are then transferred to a facility during the course of additional intensive treatment in a county that has not authorized additional intensive treatment.

SEC. 6. Section 5023 is added to the Welfare and Institutions Code, to read:

5023. (a) Each county may designate facilities within the county, with the approval by the department, that meet the applicable requirements established by the department by regulation.

(b) (1) Each county may designate ambulatory facilities within the county that meet the behavioral health needs of persons within the requirements of applicable law and the scope of their designation. The department shall encourage counties to use appropriate ambulatory facilities for the evaluation and treatment of persons pursuant to this part.

(2) Counties, mental health professionals, providers, and other organizations, with the support of the department, are encouraged

1 to establish crisis stabilization services and other ambulatory
2 facilities that are designated by a county to provide probable cause
3 determinations and assessments, and, as applicable, evaluation and
4 treatment services and crisis stabilization services, in settings that
5 are appropriate to the needs of persons with severe mental illness
6 and less restrictive than inpatient health facilities.

7 (3) Nothing in this subdivision shall preclude the designation
8 of an ambulatory facility that is an outpatient clinic of a licensed
9 health facility.

10 (4) An ambulatory facility shall provide services within the
11 scope of its designation to all persons regardless of their place of
12 residence.

13 (c) Regulations adopted pursuant to this part establishing staffing
14 standards for designated facilities shall be consistent with
15 applicable licensing regulations for the type of facility. If there are
16 no licensing regulations for the type of designated facility, or for
17 certain categories of professional personnel providing services in
18 a type of designated facility, the regulations adopted pursuant to
19 this part for staffing standards may differentiate between the types
20 of designated facilities, including ambulatory facilities. On January
21 1, 2016, the existing regulations establishing staffing standards
22 for designated facilities set forth in Section 663 of Title 9 of the
23 California Code of Regulations are repealed and nullified.

24 (d) A county may contract with a facility or other provider in
25 an adjacent state that, within the discretion and oversight of the
26 county, will meet the needs of county residents under this part and
27 that has agreed in writing to meet the terms and conditions
28 established by the county for the scope of services to be performed
29 by the facility or other provider. The terms and conditions shall
30 include the protection of a person's rights under Article 7
31 (commencing with Section 5325) of Chapter 2 and access to
32 persons placed in the facility by patients' right advocates of the
33 contracting county.

34 (e) A county shall not charge or assess a fee for the designation
35 of an ambulatory facility or the approval of an authorized
36 professional.

37 (f) Each designated facility shall accept, within its clinical
38 capability and capacity, all categories of persons for whom it is
39 designated, without regard to insurance or financial status. If a
40 person presents to a designated facility with a psychiatric

1 emergency medical condition, as defined in subdivision (f) of
2 Section 5150.10, that is beyond its capability, the facility shall
3 assist the person in obtaining emergency services and care at an
4 appropriate facility.

5 (g) In order to provide access by members of the public to
6 information about designated facilities, each county department
7 responsible for mental health services shall maintain on its Internet
8 Web site the locations of all designated facilities within the county,
9 including address, the types of services available at each designated
10 facility, and the hours of operation for ambulatory facilities. The
11 Internet Web site shall be updated if there are changes to the
12 information.

13 (h) Each county shall report to the department, on at least an
14 annual basis, a current list of designated facilities within the county,
15 including the name and address of each facility and its facility
16 type. The department shall maintain a list of designated facilities,
17 by county and facility licensure type, on its Internet Web site, and
18 update the list not less than annually. The department Internet Web
19 site shall also contain links to each county Internet Web site
20 required by subdivision (g).

21 (i) Counties are encouraged to share information with adjacent
22 and other counties with respect to its roster of authorized
23 professionals. An authorized professional shall not be required to
24 obtain approval from another county to be an authorized
25 professional in that county in order to take action under this part.

26 SEC. 7. Section 5024 is added to the Welfare and Institutions
27 Code, to read:

28 5024. (a) Each county may authorize one or more qualified
29 persons to act as a local or regional liaison to assist nondesignated
30 hospitals in the county in accordance with this section and Article
31 1.1 (commencing with Section 5150.10) of Chapter 2. Two or
32 more counties may enter into an inter-county arrangement under
33 which the participating counties agree to authorize one or more
34 persons to act as a local or regional liaison to assist nondesignated
35 hospitals in the participating counties in accordance with this
36 section and Article 1.1 (commencing with Section 5150.10) of
37 Chapter 2.

38 (b) The role of the local or regional liaison is to assist a person
39 who is a patient in an emergency department of a nondesignated
40 hospital and who has been detained, or may require detention, for

1 evaluation and treatment. The assistance may include any of the
2 following:

3 (1) Arranging for an authorized professional to provide a prompt
4 probable cause determination under Section 5150.13.

5 (2) Arranging for an authorized professional to determine
6 whether the detention for evaluation and treatment of a person
7 shall be released under Section 5150.15.

8 (3) Arranging for the placement of a person detained for
9 evaluation and treatment who is medically clear for transfer or
10 discharge to a designated facility.

11 (c) A local or regional liaison may be employed by, or may
12 contract with, a county or counties and may include personnel of
13 one or more designated facilities within the county or counties.
14 The role of the local or regional liaison may be rotated among the
15 categories of persons described in this subdivision.

16 (d) A local or regional liaison shall be available 24 hours a day,
17 including weekends and holidays, to provide assistance under this
18 section.

19 (e) Each county, or counties acting jointly under this section,
20 shall provide the nondesignated hospitals in the county or counties
21 with the contact information for a local or regional liaison. The
22 means of contact may be a designated telephone number, email,
23 text-messaging or other electronic means, or any combination of
24 the foregoing, so long as the local or regional liaison has immediate
25 access to the means of contact. The contact information provided
26 to nondesignated hospitals shall be updated as necessary.

27 (f) This section shall not apply to a county that has not
28 authorized a local or regional liaison.

29 SEC. 8. Section 5025 is added to the Welfare and Institutions
30 Code, to read:

31 5025. (a) A designated facility or nondesignated hospital, as
32 defined in subdivision (e) of Section 5150.10, or a physician,
33 employee, or other staff person acting within the scope of his or
34 her official duties or employment for the designated facility or
35 nondesignated hospital shall not be liable for any injury resulting
36 from determining any of the following:

37 (1) Whether to detain a person for a mental health disorder or
38 addiction, in accordance with this part.

1 (2) The terms, conditions, and enforcement of detention for a
2 person with a mental health disorder or addiction, in accordance
3 with this part.

4 (3) Whether to release a person detained for a mental health
5 disorder or addiction, in accordance with this part.

6 (b) A physician, employee, or other staff person acting within
7 the scope of his or her official duties or employment for a
8 designated facility or nondesignated hospital shall be not liable
9 for carrying out a determination described in subdivision (a) so
10 long as he or she uses due care.

11 (c) Nothing in this section shall exonerate a physician, employee,
12 or other staff person acting within the scope of his or her official
13 duties or employment for a designated facility or nondesignated
14 hospital from liability for injury proximately caused by his or her
15 negligent or wrongful act or omission in carrying out or failing to
16 carry out any of the following:

17 (1) A determination to detain or not to detain a person for a
18 mental health disorder or addiction, in accordance with this part.

19 (2) The terms or conditions of detention of a person for a mental
20 health disorder or addiction, in accordance with this part.

21 (3) A determination to release a person detained for a mental
22 health disorder or addiction, in accordance with this part.

23 SEC. 9. Section 5026 is added to the Welfare and Institutions
24 Code, to read:

25 5026. (a) A designated facility or nondesignated hospital, as
26 defined in subdivision (e) of Section 5150.10, or a physician,
27 employee, or other staff person acting within the scope of his or
28 her official duties or employment for the designated facility or
29 nondesignated hospital shall not be liable for any of the following:

30 (1) An injury caused by an eloping or eloped person who has
31 been detained for a mental health disorder or addiction.

32 (2) An injury to, or the wrongful death of, an eloping or eloped
33 person who has been detained for a mental health disorder or
34 addiction.

35 (b) Nothing in this section shall exonerate a physician,
36 employee, or other staff person acting within the scope of his or
37 her official duties or employment for a designated facility or
38 nondesignated hospital from liability in either of the following
39 situations:

1 (1) If he or she acted or failed to act because of actual fraud,
2 corruption, or actual malice.

3 (2) For injuries inflicted as a result of his or her own negligent
4 or wrongful act or omission on an eloping or eloped person who
5 has been detained for a mental health disorder or addiction under
6 this part, in an effort to enforce the detention.

7 SEC. 10. Section 5150 of the Welfare and Institutions Code is
8 amended to read:

9 5150. (a) When a person, as a result of a mental health
10 disorder, is a danger to others, or to himself or herself, or gravely
11 disabled, a peace officer, professional person in charge of a facility
12 designated by the county for evaluation and treatment, member of
13 the attending staff, as defined by regulation, of a facility designated
14 by the county for evaluation and treatment, designated members
15 of a mobile crisis team, or professional person designated by the
16 county officer or an authorized professional acting within the
17 scope of his or her authorization may, upon probable cause, take,
18 or cause to be taken, the person into custody for a period of up to
19 72 hours for assessment, evaluation, and crisis intervention, or
20 placement for evaluation and treatment in a facility designated by
21 the county for evaluation and treatment and approved by the State
22 Department of Health Care Services. *department*. At a minimum,
23 assessment, as defined in Section 5150.4 subdivision (c) of Section
24 5008, and evaluation, as defined in subdivision (a) (n) of Section
25 5008, shall be conducted and provided on an ongoing basis. Crisis
26 intervention, as defined in subdivision (e) (g) of Section 5008,
27 may be provided concurrently with assessment, evaluation, or any
28 other service. *The period of 72-hour detention for evaluation and*
29 *treatment shall begin at the time that the person is initially detained*
30 *pursuant to this section.*

31 (b) ~~The professional person in charge of a facility designated~~
32 ~~by the county~~ (1) *When an individual detained pursuant to*
33 *subdivision (a) is taken to a designated facility for evaluation and*
34 *treatment, the professional person in charge, a member of the*
35 *attending staff of the designated facility, or an authorized*
36 ~~professional person designated~~ *acting within the scope of his or*
37 *her authorization by the county* county, shall assess the person to
38 determine whether he or she can be properly served without being
39 detained. *The assessment under this subdivision may be performed*
40 *by an authorized professional in a designated ambulatory facility*

1 or any other setting in accordance with paragraph (2) of this
2 subdivision and Section 5151. If in the judgment of the professional
3 person in charge of the facility designated by the county for
4 evaluation and treatment, member of the attending staff, or
5 professional person designated by the county, authorized
6 professional, the person can be properly served without being
7 detained, he or she shall be provided evaluation, crisis intervention,
8 or other inpatient or outpatient services on a voluntary basis.
9 ~~Nothing in this subdivision shall be interpreted to prevent a peace~~
10 ~~officer from delivering individuals to a designated facility for~~
11 ~~assessment under this section. Furthermore, the assessment~~
12 ~~requirement of this subdivision shall not be interpreted to require~~
13 ~~peace officers to perform any additional duties other than those~~
14 ~~specified in Sections 5150.1 and 5150.2.~~

15 (2) *If the person detained for evaluation and treatment is taken*
16 *to a designated ambulatory facility that is authorized by the county*
17 *to conduct an assessment, the assessment shall be conducted by*
18 *the professional person in charge of the designated ambulatory*
19 *facility or his or her designee acting within the scope of his or her*
20 *licensed profession. The assessment in a designated ambulatory*
21 *facility may be performed by or in consultation with an authorized*
22 *member of the professional staff of a designated inpatient facility*
23 *using telehealth if the designated inpatient facility has agreed to*
24 *admit the person in accordance with subdivision (a) upon a*
25 *determination that an involuntary admission is appropriate.*

26 (3) *Nothing in this section shall be interpreted to prevent a*
27 *peace officer, or an authorized professional employee of an*
28 *emergency transport provider acting at the direction of the peace*
29 *officer, from delivering individuals to a designated facility for an*
30 *assessment under this section. Furthermore, the assessment*
31 *requirement of this section shall not be interpreted to require peace*
32 *officers or authorized professional employees of emergency*
33 *transport providers acting at the direction of the peace officer to*
34 *perform any additional duties other than those specified in Sections*
35 *5150.1 and 5150.2.*

36 (4) *If an individual detained under subdivision (a) is taken to*
37 *an emergency department of a nondesignated hospital, as defined*
38 *in subdivision (e) of Section 5150.10, the provisions of Article 1.1*
39 *(commencing with Section 5150.10) shall apply to the individual*
40 *during his or her stay in the emergency department of a*

1 *nondesignated hospital. This section does not require the peace*
2 *officer or authorized professional who detained the individual*
3 *pursuant to subdivision (a) to take or cause to take the individual*
4 *to an emergency department of a nondesignated hospital.*

5 *(5) The assessment may be performed, based on the clinical*
6 *condition and needs of a person detained for evaluation and*
7 *treatment, in either a designated inpatient facility, a designated*
8 *ambulatory facility, or any other setting. Nothing in this section*
9 *shall be construed to prevent an authorized member of the*
10 *professional staff of a designated inpatient facility from providing*
11 *consultation or other professional assistance by telehealth for a*
12 *person detained for evaluation and treatment in a designated*
13 *ambulatory facility or other setting.*

14 *(6) Notwithstanding paragraph (2) of subdivision (j) of Section*
15 *5008, or any regulation, if a person detained for evaluation and*
16 *treatment presents or is transferred to a designated ambulatory*
17 *facility, and the professional person in charge of the designated*
18 *ambulatory facility or his or her designee determines that the*
19 *person should be admitted to a designated inpatient facility for*
20 *further evaluation and treatment, the designated ambulatory facility*
21 *shall make good faith efforts to arrange placement for the person*
22 *in a designated inpatient facility. If the designated ambulatory*
23 *facility has been unable to arrange placement for the person in a*
24 *designated inpatient facility within 24 hours, the designated*
25 *ambulatory facility shall continue to provide evaluation and*
26 *treatment for the person beyond 24 hours in order to arrange for*
27 *placement and transfer of the person to a designated inpatient*
28 *facility, provided the designated ambulatory facility notifies the*
29 *county in which it is located and the mental health advocate for*
30 *the county that it is continuing to detain the person beyond 24*
31 *hours. The designated ambulatory facility shall not transfer or*
32 *send a person to an emergency department of a nondesignated*
33 *hospital except if the person requires examination or treatment*
34 *for a medical condition that is beyond the capability of the*
35 *designated ambulatory facility.*

36 *(c) Whenever a person is evaluated by—~~a an authorized~~*
37 *professional person in charge of a facility designated by the county*
38 *for evaluation or treatment, member of the attending staff, or*
39 *professional person designated by the county and is found to be*
40 *in need of mental health services, but is not admitted to the facility,*

1 all available alternative services provided pursuant to subdivision
2 (b) shall be offered as determined by the county mental health
3 director.

4 (d) If, in the judgment of the ~~authorized professional person in~~
5 ~~charge of the facility designated by the county for evaluation and~~
6 ~~treatment, member of the attending staff, or the professional person~~
7 ~~designated by the county;~~ *professional*, the person cannot be
8 properly served without being detained, the admitting facility shall
9 require an application in writing ~~stating the circumstances under~~
10 ~~which the person's condition was called to the attention of the~~
11 ~~peace officer, professional person in charge of the facility~~
12 ~~designated by the county for evaluation and treatment, member of~~
13 ~~the attending staff, or professional person designated by the county,~~
14 ~~and stating that the peace officer, professional person in charge of~~
15 ~~the facility designated by the county for evaluation and treatment,~~
16 ~~member of the attending staff, or professional person designated~~
17 ~~by the county has probable cause to believe that the person is, as~~
18 ~~a result of a mental health disorder, a danger to others, or to himself~~
19 ~~or herself, or gravely disabled. If the probable cause is based on~~
20 ~~the statement of a person other than the peace officer, professional~~
21 ~~person in charge of the facility designated by the county for~~
22 ~~evaluation and treatment, member of the attending staff, or~~
23 ~~professional person designated by the county, the person shall be~~
24 ~~liable in a civil action for intentionally giving a statement which~~
25 ~~he or she knows to be false pursuant to Section 5150.3.~~

26 (e) At the time a person is taken into custody for evaluation, or
27 within a reasonable time thereafter, unless a responsible relative
28 or the guardian or conservator of the person is in possession of the
29 person's personal property, the person taking him or her into
30 custody shall take reasonable precautions to preserve and safeguard
31 the personal property in the possession of or on the premises
32 occupied by the person. The person taking him or her into custody
33 shall then furnish to the court a report generally describing the
34 person's property so preserved and safeguarded and its disposition,
35 in substantially the form set forth in Section 5211, except that if
36 a responsible relative or the guardian or conservator of the person
37 is in possession of the person's property, the report shall include
38 only the name of the relative or guardian or conservator and the
39 location of the property, whereupon responsibility of the person
40 taking him or her into custody for that property shall terminate.

As used in this section, “responsible relative” includes the spouse, parent, adult child, domestic partner, grandparent, grandchild, or adult brother or sister of the person.

(f) (1) Each person, at the time he or she is first taken into custody under this section, shall be provided, by the person who takes him or her into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand an oral advisement, the information shall be provided in writing. The information shall be in substantially the following form:

My name is _____.

I am a _____
(peace officer/mental health professional)

with _____
(name of agency)

You are not under criminal arrest, but I am taking you for an examination by mental health professionals at _____.

(name of facility)

You will be told your rights by the mental health staff.

(2) If taken into custody at his or her own residence, the person shall also be provided the following information:

You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.

(g) The designated facility shall keep, for each patient evaluated, a record of the advisement given pursuant to subdivision (f) which shall include all of the following:

- (1) The name of the person detained for evaluation.
- (2) The name and position of the peace officer or mental health professional taking the person into custody.
- (3) The date the advisement was completed.
- (4) Whether the advisement was completed.
- (5) The language or modality used to give the advisement.

(6) If the advisement was not completed, a statement of good cause, as defined by regulations of the State Department of Health Care Services.

(h) (1) Each person admitted to a facility designated by the county for evaluation and treatment shall be given the following information by admission staff of the facility. The information shall be given orally and in writing and in a language or modality accessible to the person. The written information shall be available to the person in English and in the language that is the person's primary means of communication. Accommodations for other disabilities that may affect communication shall also be provided. The information shall be in substantially the following form:

My name is _____.

My position here is _____.

You are being placed into this psychiatric facility because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):

☐ Harm yourself.

☐ Harm someone else.

☐ Be unable to take care of your own food, clothing, and housing needs.

We believe this is true because

(list of the facts upon which the allegation of dangerous or gravely disabled due to mental health disorder is based, including pertinent facts arising from the admission interview).

You will be held for a period up to 72 hours. During the 72 hours you may also be transferred to another facility. You may request to be evaluated or treated at a facility of your choice. You may request to be evaluated or treated by a mental health professional of your choice. We cannot guarantee the facility or mental health professional you choose will be available, but we will honor your choice if we can.

During these 72 hours you will be evaluated by the facility staff, and you may be given treatment, including medications. It is possible for you to be released before the end of the 72 hours. But if the staff decides that you need continued treatment you can be held for a longer period of time. If you are held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge.

1 If you have questions about your legal rights, you may contact the county
2 Patients' Rights Advocate at _____
3 (phone number for the county Patients' Rights
4 _____ .
5 Advocacy office)
6 Your 72-hour period began _____ .
7 (date/time)
8

9 (2) If the notice is given in a county where weekends and
10 holidays are excluded from the 72-hour period, the patient shall
11 be informed of this fact.

12 (i) For each patient admitted for evaluation and treatment, the
13 facility shall keep with the patient's medical record a record of the
14 advisement given pursuant to subdivision (h), which shall include
15 all of the following:

- 16 (1) The name of the person performing the advisement.
17 (2) The date of the advisement.
18 (3) Whether the advisement was completed.
19 (4) The language or modality used to communicate the
20 advisement.
21 (5) If the advisement was not completed, a statement of good
22 cause.

23 SEC. 11. Section 5150.05 of the Welfare and Institutions Code
24 is amended to read:

25 5150.05. (a) When determining if probable cause exists to
26 take a person into custody, or cause a person to be taken into
27 custody, pursuant to Section 5150, ~~any~~ a person who is authorized
28 to take that person, or cause that person to be taken, into custody
29 pursuant to that section shall consider available relevant
30 information about the historical course of the person's mental
31 disorder if the authorized person determines that the information
32 has a reasonable bearing on the determination as to whether the
33 person is a danger to others, or to himself or herself, or is gravely
34 disabled as a result of the mental disorder.

35 (b) For purposes of this section, "information about the historical
36 course of the person's mental disorder" includes evidence presented
37 by the person who has provided or is providing mental health or
38 related support services to the person subject to a determination
39 described in subdivision (a), evidence presented by one or more
40 members of the family of that person, and evidence presented by

1 the person subject to a determination described in subdivision (a)
2 or anyone designated by that person.

3 (c) If the probable cause in subdivision (a) is based on the
4 statement of a person other than ~~the one~~ authorized to take the
5 person into custody pursuant to Section 5150, ~~a member of the~~
6 ~~attending staff, or a professional person,~~ the person making the
7 statement shall be liable in a civil action for intentionally giving
8 ~~any~~ a statement that he or she knows to be false.

9 (d) This section shall not be applied to limit the application of
10 Section 5328.

11 SEC. 12. Section 5150.1 of the Welfare and Institutions Code
12 is amended to read:

13 5150.1. ~~No~~ *(a) A peace officer or authorized professional*
14 *employee of an emergency transport provider acting at the*
15 *direction of a peace officer, seeking to transport, or having*
16 *transported, a person to a designated facility for assessment under*
17 *pursuant to Section 5150, 5151, shall not be instructed by mental*
18 *health personnel to take the person to, or keep the person at, a jail*
19 *solely because of the unavailability of an acute bed, nor shall the*
20 *bed. The peace officer or the authorized professional employee of*
21 *an emergency transport provider acting at the direction of the*
22 *peace officer, shall not be forbidden to transport the person directly*
23 *to the designated facility. No mental health employee from any*
24 *county, state, city, or any private agency providing Short-Doyle*
25 *psychiatric emergency services shall interfere with a peace officer*
26 *or an authorized professional employee of an emergency transport*
27 *provider acting at the direction of a peace officer performing duties*
28 *under Section 5150 by preventing the peace officer from detaining*
29 *a person for evaluation and treatment or preventing the peace*
30 *officer or an authorized professional employee of an emergency*
31 *transport provider acting at the direction of a peace officer from*
32 *entering a designated facility with the person to be assessed, nor*
33 *shall any for an assessment. An employee of such an agency a*
34 *facility shall not require the peace officer or an authorized*
35 *professional employee of an emergency transport provider acting*
36 *at the direction of a peace officer to remove the person without*
37 *an assessment as a condition of allowing the peace officer or an*
38 *authorized professional employee of an emergency transport*
39 *provider acting at the direction of a peace officer to depart.*

1 (b) An emergency transport provider, or any certified or licensed
2 personnel of an emergency transport provider, shall not be civilly
3 or criminally liable for any of the following that may be applicable
4 to the transport of a person who has been detained for evaluation
5 and treatment:

6 (1) The continuation of the detention for evaluation and
7 treatment while transporting the person to a designated facility
8 or an emergency department of a nondesignated hospital at the
9 direction of a peace officer or authorized professional who
10 detained the person for evaluation and treatment.

11 (2) The continuation of the detention for evaluation and
12 treatment while transporting the person detained for evaluation
13 and treatment to a designated facility or an emergency department
14 of a nondesignated hospital at the direction of the treating
15 emergency professional in an emergency department of a
16 nondesignated hospital for an assessment or other service under
17 Section 5151.

18 “Peace

19 (c) For purposes of this section, “peace officer” ~~for the purposes~~
20 ~~of this section also~~ means a peace officer as defined in Chapter
21 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
22 Code and also includes a jailer seeking to transport or transporting
23 a person in custody to a designated facility for an assessment
24 consistent with Section 4011.6 or 4011.8 of the Penal Code and
25 Section 5150.

26 SEC. 13. Section 5150.2 of the Welfare and Institutions Code
27 is amended to read:

28 5150.2. In each ~~county~~ county, whenever a peace officer or
29 the authorized professional employee of an emergency transport
30 provider acting at the direction of the peace officer has transported
31 a person to a designated facility for an assessment ~~under Section~~
32 ~~5150, that, the officer or professional employee of an emergency~~
33 ~~transporter shall be detained no longer than the time necessary to~~
34 ~~complete documentation of the factual basis of the detention under~~
35 ~~Section 5150 and a safe for evaluation and treatment and effectuate~~
36 ~~a prompt, safe, and orderly transfer of physical custody of the~~
37 ~~person. The documentation shall include detailed information~~
38 ~~regarding the factual circumstances and observations constituting~~
39 ~~probable cause for the peace officer to believe that the individual~~

~~required psychiatric evaluation under the standards of Section 5105.~~

~~Each county shall establish disposition procedures and guidelines with local law enforcement agencies as necessary to relate to persons not admitted for evaluation and treatment and who decline alternative mental health services and to relate to the safe and orderly transfer of physical custody of persons under Section 5150, including those who have a criminal detention pending.~~

SEC. 14. Section 5150.3 is added to the Welfare and Institutions Code, to read:

5150.3. (a) (1) The peace officer, or an authorized professional acting within the scope of his or her authorization by the county, shall complete and sign an application for detention for evaluation and treatment, in the form prescribed by subdivision (g), stating the circumstances under which the person's condition was called to the attention of the peace officer or authorized professional, and stating that the peace officer or authorized professional has probable cause to believe that the person is, as a result of a mental health disorder, a danger to others, or to himself or herself, or gravely disabled.

(2) The documentation shall include detailed information regarding the factual circumstances and observations constituting probable cause for the peace officer or authorized professional to believe that the person should be detained for evaluation and treatment in accordance with Section 5150. If the probable cause is based on the statement of a person other than the peace officer or authorized professional, the person shall be liable in a civil action for intentionally giving a statement that he or she knows is false.

(3) A designated facility or nondesignated hospital shall require presentation of the application as a condition of continuation of the detention for evaluation and treatment. If the application is not presented to the designated facility or nondesignated hospital, as applicable, the person shall be immediately released from detention for evaluation and treatment.

(4) An application for detention for evaluation and treatment shall be valid in all counties to which the person may be taken to a designated facility.

(b) (1) If the person detained by a peace officer or authorized professional is in a location other than a designated facility or

1 nondesignated hospital, the original or copy of the application for
2 detention for evaluation and treatment shall be presented to the
3 designated facility under paragraph (2) or the nondesignated
4 hospital under paragraph (3).

5 (2) If after detention under Section 5150, the person is first taken
6 to a designated facility, the original or a copy of the signed
7 application for detention for evaluation and treatment shall be
8 presented to the designated facility.

9 (3) If after detention under Section 5150, the person is first taken
10 to a nondesignated hospital, the original or a copy of the signed
11 application for detention for evaluation and treatment shall be
12 presented to the nondesignated hospital. If the person is
13 subsequently transferred to a designated facility, the nondesignated
14 hospital shall deliver the original or a copy of the signed application
15 for detention for evaluation and treatment to the designated facility.
16 If the person is discharged from the nondesignated hospital under
17 Section 5150.15 or 5150.16, without a transfer to a designated
18 facility, the nondesignated hospital shall maintain the original or
19 a copy of the original signed application for detention for
20 evaluation and treatment.

21 (c) If a person detained for evaluation and treatment is
22 subsequently released from detention for evaluation and treatment
23 pursuant to Section 5150.15 or 5151, the application for detention
24 for evaluation and treatment in the possession of a designated
25 facility or nondesignated hospital shall be retained for the period
26 of time required by the medical records retention policy of the
27 designated facility or nondesignated hospital.

28 (d) The determination of a peace officer or authorized
29 professional to detain a person under Section 5150 and complete
30 and sign an application for detention for evaluation and treatment,
31 shall be based solely on whether the person meets the criteria for
32 detention for evaluation and treatment as set forth in Sections 5150
33 and 5150.05. The determination shall not be delayed, denied, or
34 refused based on the availability of beds or services at designated
35 facilities to which a person may be taken under this article.

36 (e) If a person detained for evaluation and treatment under
37 Section 5150 is transported by a professional employee of an
38 emergency transport provider to a designated facility or
39 nondesignated hospital at the request of a peace officer or an
40 authorized professional, the peace officer or authorized professional

1 shall give the application for detention for evaluation and treatment
2 to the professional employee of the emergency transport provider
3 if the peace officer or authorized professional does not accompany
4 the person to the designated facility or nondesignated hospital.

5 (f) A copy of the application for detention for evaluation and
6 treatment shall be given to an emergency transport provider if the
7 person detained for evaluation and treatment is transported from
8 a nondesignated hospital to a designated facility or from a
9 designated facility to another designated facility.

10 (g) Not later than July 1, 2016, the department shall adopt and
11 make available a standardized form of the application for detention
12 for evaluation and treatment that shall be used by peace officers
13 and authorized professionals to apply for detention of a person for
14 evaluation and treatment under Section 5150 and by authorized
15 professionals to release a person from detention for evaluation and
16 treatment pursuant to Section 5150.15 or 5151. In developing the
17 form, the department shall request comments from stakeholders
18 including the organizations described in subdivision (b) of Section
19 5400. The form of the application for detention for evaluation and
20 treatment shall, at a minimum, provide all of the following:

21 (1) A description of the person's behavior and other relevant
22 facts that provide the basis for probable cause under Sections 5150
23 and 5150.05 of the person's detainment for evaluation and
24 treatment.

25 (2) For persons detained for evaluation and treatment who are
26 first taken to an emergency department of a nondesignated hospital,
27 documentation of the facts and conclusions that provide the basis
28 for the determination of medical clearance, excluding a psychiatric
29 emergency medical condition, by the emergency professional
30 treating the person in the emergency department to transfer the
31 person to a designated facility.

32 (3) Documentation of the facts and conclusions that provide the
33 basis for the determination by an authorized professional authorized
34 to perform an assessment that the person should be admitted for
35 involuntary evaluation and treatment under Section 5152.

36 (4) Determination of the facts and conclusions that support the
37 determination by an authorized professional authorized to release
38 a person from detention in accordance with Section 5150.14 or
39 5151.

1 (5) Request by a peace officer under Section 5152.1 for
2 notification of the person's release or discharge by a designated
3 facility or nondesignated hospital.

4 SEC. 15. Section 5150.4 of the Welfare and Institutions Code
5 is repealed.

6 ~~5150.4. "Assessment" for the purposes of this article, means~~
7 ~~the determination of whether a person shall be evaluated and treated~~
8 ~~pursuant to Section 5150.~~

9 SEC. 16. Article 1.1 (commencing with Section 5150.10) is
10 added to Chapter 2 of Part 1 of Division 5 of the Welfare and
11 Institutions Code, to read:

12
13 Article 1.1. Persons Detained in Nondesignated Hospitals

14
15 5150.10. Unless the context otherwise requires, the following
16 definitions shall govern the construction of this article:

17 (a) "Emergency department of a nondesignated hospital" means
18 a basic, comprehensive, or standby emergency medical service
19 that is approved by the State Department of Public Health as a
20 special or supplemental service of a nondesignated hospital. For
21 purposes of this part, an emergency department of a nondesignated
22 hospital shall include an observation or similar unit of the hospital
23 that meets both of the following criteria:

24 (1) The unit is operated under the direction and policies of the
25 emergency department.

26 (2) The unit provides continuing emergency services and care
27 to patients prior to an inpatient admission, transfer, or discharge.

28 (b) "Emergency professional" means either of the following:

29 (1) A physician and surgeon who is board certified or pursuing
30 board certification in emergency medicine, or a qualified licensed
31 person, as defined in subdivision (g), during any scheduled period
32 that he or she is on duty to provide medical screening and treatment
33 of patients in an emergency department of a nondesignated hospital.

34 (2) A physician and surgeon, or a qualified licensed person, as
35 defined in subdivision (g), during any scheduled period that he or
36 she is on duty to provide medical screening and treatment of
37 patients in the emergency department of a nondesignated hospital
38 that is a critical access hospital within the meaning of Section
39 1250.7 of the Health and Safety Code. A physician and surgeon
40 on duty under this paragraph shall include a physician and surgeon

1 on call for a standby emergency medical service who is responsible
2 to provide professional coverage for the emergency department.
3 A physician and surgeon on duty under this paragraph does not
4 include a physician and surgeon who is providing on-call specialty
5 coverage services to the emergency department of a nondesignated
6 hospital, unless the physician and surgeon is an emergency
7 professional under paragraph (1).

8 (c) “Emergency services and care” has the same meaning as in
9 subdivision (a) of Section 1317.1 of the Health and Safety Code.

10 (d) “EMTALA” means the Emergency Medical Treatment and
11 Labor Act, and regulations adopted pursuant thereto, as defined
12 in Section 1395dd of Title 42 of the United States Code.

13 (e) “Nondesignated hospital” means a general acute care
14 hospital, as defined in subdivision (a) of Section 1250 of the Health
15 and Safety Code or an acute psychiatric hospital, as defined in
16 subdivision (b) of Section 1250 of the Health and Safety Code,
17 that is not a designated facility.

18 (f) “Psychiatric emergency medical condition” has the same
19 meaning in subdivision (k) of Section 1317.1 of the Health and
20 Safety Code.

21 (g) “Qualified licensed person” means a licensed person
22 designated by the medical staff and governing body of a
23 nondesignated hospital to provide emergency services and care,
24 to the extent permitted by applicable law, in an emergency
25 department of the nondesignated hospital under the supervision
26 of a physician and surgeon.

27 (h) “Stabilized” has the same meaning as in subdivision (j) of
28 Section 1317.1 of the Health and Safety Code.

29 5150.11. (a) The Legislature finds and declares all of the
30 following:

31 (1) A person who has been detained for evaluation and treatment
32 pursuant to Section 5150 should be taken to a designated facility
33 rather than an emergency department of a nondesignated hospital.

34 (2) A person who has been detained for evaluation and treatment
35 pursuant to Section 5150 should be detained in an emergency
36 department of a nondesignated hospital only for the time necessary
37 to provide required emergency services and care and obtain medical
38 clearance, unless the person requires an admission for inpatient
39 services.

1 (3) A person who has been detained for evaluation and treatment
2 pursuant to Section 5150 has the right to receive a prompt
3 assessment to determine the appropriateness of the detention and
4 the need for evaluation and treatment at a designated facility.

5 (b) It is also the intent of the Legislature that nothing in this
6 chapter shall be construed to require a peace officer or any other
7 authorized professional to take a person detained for evaluation
8 and treatment to an emergency department of a nondesignated
9 hospital instead of taking the person to a designated facility, unless
10 the peace officer or authorized professional reasonably determines
11 that the person is in need of emergency care and services that
12 should be provided at an emergency department of a nondesignated
13 hospital before the person is transported to a designated facility.

14 5150.12. (a) This section shall apply to a person who has been
15 detained for evaluation and treatment by a peace officer or an
16 authorized professional and is taken to an emergency department
17 of a nondesignated hospital for emergency services and care.

18 (b) While the person is in the emergency department of the
19 nondesignated hospital, the detention of the person for evaluation
20 and treatment shall continue, unless the person is released from
21 detention pursuant to Section 5150.15 or 5150.16.

22 5150.13. (a) This section shall apply if, during a person's
23 examination or treatment in an emergency department, there is a
24 need for a probable cause determination that the person should be
25 detained for evaluation and treatment.

26 (b) If a person who has not been detained for evaluation and
27 treatment has signs or symptoms, in the judgment of the treating
28 emergency professional, that indicate probable cause for detention
29 for evaluation and treatment, the person shall have the right to a
30 prompt probable cause determination in accordance with any of
31 the following:

32 (1) The hospital may contact the county to arrange for a probable
33 cause determination by an authorized professional, including, but
34 not limited to, a member of a mobile crisis team.

35 (2) (A) If the county in which the nondesignated hospital is
36 located has a local or regional liaison, the hospital may contact the
37 local or regional liaison to arrange for an authorized professional
38 to provide a prompt probable cause determination of the person.

39 (B) The local or regional liaison shall advise the nondesignated
40 hospital within 30 minutes of the time of the initial contact whether

1 an authorized professional can perform the probable cause
2 determination within two hours from the time of the initial contact
3 with the local or regional liaison.

4 (C) The probable cause determination shall be based solely on
5 the criteria for detaining a person for evaluation and treatment.
6 The probable cause determination shall not consider the availability
7 of beds or services at designated facilities within or outside of the
8 county.

9 (D) The probable cause determination may be conducted by an
10 authorized professional utilizing telehealth.

11 (3) The treating emergency professional may conduct a probable
12 cause determination and, upon a finding of probable cause, detain
13 the person for evaluation and treatment in accordance with Sections
14 5150 and 5150.3.

15 (c) If the person is detained for evaluation and treatment
16 pursuant to this section, the detention shall continue during his or
17 her stay in the emergency department of a nondesignated hospital,
18 unless the person is released from detention pursuant to Section
19 5150.15.

20 5150.14. (a) This section shall apply to a person who is
21 detained pursuant to Section 5150 for evaluation and treatment in
22 a nondesignated hospital emergency department or has been
23 detained pursuant to Section 5150 for evaluation and treatment by
24 a peace officer and taken to an emergency department of a
25 nondesignated hospital.

26 (b) (1) Except as provided in subdivision (e), the nondesignated
27 hospital shall notify the county in which the nondesignated hospital
28 is located of the person's detention status.

29 (2) If the person was detained for evaluation and treatment and
30 taken to the emergency department of the nondesignated hospital
31 pursuant to Section 5150.12, the notification shall occur after the
32 hospital has performed an initial medical screening of the person
33 in accordance with paragraphs (1) and (2) of subdivision (a) of
34 Section 1317.1 of the Health and Safety Code.

35 (3) If the person is first detained for evaluation and treatment
36 in the emergency department of the nondesignated hospital
37 pursuant to Section 5150.13, the notification shall occur when the
38 probable cause determination has been completed.

39 (c) The notification to the county shall be made using the
40 24-hour toll-free telephone number established by the county's

1 mental health program for psychiatric emergency services and
2 crisis stabilization if the county's mental health program has a
3 24-hour toll-free telephone number in operation on January 1,
4 2016, for this purpose. The notification shall be documented in
5 the patient's medical record.

6 (d) The nondesignated hospital shall advise the county of all of
7 the following:

8 (1) The time when the 72-hour detention period for evaluation
9 and treatment expires.

10 (2) An estimate of the time when the person will be medically
11 stable for transfer to a designated facility.

12 (3) The county in which the person resides, if known.

13 (e) The notification to the county under this section shall not
14 be required if the treating emergency professional determines that
15 the person will be admitted, pursuant to Section 5150.16, to an
16 acute care bed of a nondesignated hospital for the primary purpose
17 of receiving acute inpatient services for a medical condition that
18 is in addition to the person's psychiatric condition.

19 5150.15. (a) This section shall establish a process for releasing
20 a person from detention for evaluation and treatment during the
21 period of time that the person is receiving emergency services and
22 care in the emergency department of a nondesignated hospital.

23 (b) If the treating emergency professional determines that there
24 is no longer probable cause to continue the detention for evaluation
25 and treatment, the treating emergency professional may initiate a
26 followup probable cause determination to determine whether the
27 person may be released from detention for evaluation and
28 treatment. The followup probable cause determination shall be
29 made in accordance with either of the following:

30 (1) The hospital may contact the county, or a local or regional
31 liaison if authorized by the county, to arrange for an authorized
32 professional to perform a followup probable cause determination
33 to determine whether the person may be released from detention
34 for evaluation and treatment. If a county or a local or regional
35 liaison cannot arrange for an authorized professional to make the
36 determination within two hours of the initial call to the county or
37 the local or regional liaison, the treating emergency professional
38 may perform a followup probable cause determination to determine
39 whether the person may be released from detention for evaluation
40 and treatment.

(2) The treating emergency professional, without first contacting the county or a local or regional liaison, may perform a followup probable cause determination to determine whether the person may be released from detention for evaluation and treatment.

(c) The determination under this section to release a person from detention for evaluation and treatment shall be based on whether there is probable cause to continue the detention for evaluation and treatment. The determination to continue or release the person from detention shall not be based on the availability of beds or services at designated facilities within or outside of the county.

(d) The followup probable cause determination under this section may be conducted by an authorized professional utilizing telehealth.

5150.16. (a) This section shall apply to a person detained for evaluation and treatment who is admitted to a general acute care hospital bed for acute medical services. This section shall apply to all general acute care hospitals, including general acute care hospitals that are designated facilities.

(b) If the person detained for evaluation and treatment is admitted to a general acute care hospital bed for the primary purpose of receiving acute inpatient services for a medical condition that is in addition to the person's psychiatric condition, the effect on the detention for evaluation and treatment while receiving acute medical services shall be as follows:

(1) If the hospital offers to provide assessment, evaluation, and crisis intervention services and the person consents to the services on a voluntary basis in addition to acute medical services, the detention for evaluation and treatment shall be released.

(2) If the hospital offers to provide assessment, evaluation, and crisis intervention services and the person refuses to consent to the services on a voluntary basis in addition to acute medical services, the detention for evaluation and treatment shall continue in effect during the acute hospital stay.

(3) If the hospital does not have the capability to provide assessment, evaluation, and crisis intervention services, the detention for evaluation and treatment shall be released.

(c) The release of the person from detention for evaluation and treatment shall be communicated to the person and documented in the person's medical record.

1 (d) This section shall not apply to a person detained for
2 evaluation and treatment who meets both of the following:

3 (1) The person does not require acute inpatient services for a
4 medical condition.

5 (2) The person is awaiting a transfer to a designated facility and
6 is placed in an acute bed of the nondesignated hospital for the
7 purpose of securing the protection of the person or other persons,
8 or both, in the nondesignated hospital pending the transfer of the
9 person to a designated facility.

10 (e) In all cases described in subdivision (b), if the discharge
11 plan for the patient provides for followup evaluation and treatment
12 at a psychiatric facility, the patient shall be advised of the
13 recommended need for the followup evaluation and treatment.

14 (f) If the person is not able or willing to accept treatment on a
15 voluntary basis, or to accept the referral or transfer to a psychiatric
16 facility, the hospital shall obtain a new probable cause
17 determination for detention for evaluation and treatment pursuant
18 to Section 5150 in order to take or cause the person to be taken to
19 a designated facility. Upon request by the hospital, a county shall
20 arrange for an authorized professional to conduct a probable cause
21 determination in a timely manner, which may be performed by the
22 authorized professional utilizing telehealth.

23 5150.17. (a) This section, together with Sections 5150.18 and
24 5150.19, shall apply to the placement with a designated facility of
25 a person in a nondesignated hospital emergency department who
26 has been detained for evaluation and treatment.

27 (b) The person may be placed with any designated facility that
28 has the capability to meet the needs of the person, including a
29 designated ambulatory facility.

30 (c) If placement is made with a designated ambulatory facility,
31 personnel at the designated ambulatory facility shall confirm
32 whether the facility can meet the needs of the person within the
33 scope of its designation and capability.

34 5150.18. (a) This section shall apply to the placement with a
35 designated facility for a person described in Section 5150.17 if the
36 person has a psychiatric emergency medical condition.

37 (b) If a person, in the judgment of the treating emergency
38 professional, has a psychiatric emergency medical condition, the
39 placement with a designated facility shall be made as follows:

1 (1) The placement may be with any designated facility that has
2 the capability and capacity to provide evaluation and treatment for
3 the person, whether that designated facility is located within or
4 outside of the county of the hospital.

5 (2) The treating emergency professional shall determine the
6 mode of transportation, including personnel and equipment, that
7 are appropriate for the transport of the person to the designated
8 facility.

9 (3) In the event of a disagreement as to whether the person under
10 this section has a psychiatric emergency medical condition, the
11 judgment of the treating emergency professional shall prevail.

12 (4) The placement of a person described in this subdivision shall
13 take precedence over provider networks.

14 (c) If the person, in the judgment of the treating emergency
15 professional, does not have a psychiatric emergency medical
16 condition, the placement of the person with a designated facility
17 for evaluation and treatment shall be deemed to be made for a
18 medical reason within the meaning of Section 1317.2 of the Health
19 and Safety Code.

20 (d) This section shall also apply to a person who is medically
21 clear, but is being held in an inpatient unit of the nondesignated
22 hospital for the purposes of ensuring the safety and security of the
23 person or other persons, pending placement of the person with a
24 designated facility for evaluation and treatment.

25 5150.19. (a) This section describes assistance that may be
26 available to an emergency department of a nondesignated hospital
27 for the placement with a designated facility of a person described
28 in Section 5150.17.

29 (b) If a person has been taken to or detained by a
30 county-authorized professional in the emergency department of
31 the nondesignated hospital, the authorized professional shall assist
32 the nondesignated hospital in arranging for the placement of the
33 person with an appropriate designated facility.

34 (c) If a person is detained for evaluation and treatment by a
35 peace officer or a treating emergency professional in the emergency
36 department of the nondesignated hospital, the hospital may contact
37 the local or regional liaison, if authorized for the county in which
38 the nondesignated hospital is located, to assist the hospital in
39 arranging for the placement of the person with a designated facility,
40 as follows:

1 (1) Contact with the local or regional liaison may be initiated
2 when the treating emergency professional has determined that the
3 person is medically clear for placement with a designated facility.

4 (2) The hospital shall inform the local and regional liaison
5 whether the person has a psychiatric emergency medical condition
6 that requires a transport of the person in accordance with the
7 EMTALA obligations for making an appropriate transfer.

8 (d) A nondesignated hospital may pursue efforts to obtain
9 placement of the person without first contacting the local or
10 regional liaison under this section or in addition to requesting
11 assistance that may be provided by the local or regional liaison.

12 5150.20. (a) The determination of probable cause to detain a
13 person for evaluation and treatment shall be independent of a
14 determination as to whether the person has a psychiatric emergency
15 medical condition for the provision of emergency services and
16 care.

17 (b) A determination of probable cause to detain a person for
18 evaluation and treatment, whether by a peace officer or an
19 authorized professional, shall not be deemed to constitute a
20 psychiatric emergency medical condition unless a treating
21 emergency professional has determined that the person has a
22 psychiatric emergency medical condition.

23 (c) A determination by a treating emergency professional that
24 a person has a psychiatric emergency medical condition shall not
25 be deemed to constitute probable cause under Section 5150 that
26 the person may be detained for evaluation and treatment.

27 (d) A determination by a treating emergency professional that
28 a person detained for evaluation and treatment does not have a
29 psychiatric emergency medical condition, or that the person's
30 psychiatric emergency medical condition is stabilized, shall not
31 be deemed to constitute a release of the person from detention for
32 evaluation and treatment.

33 5150.21. (a) A nondesignated hospital and the professional
34 staff of the nondesignated hospital shall not be civilly or criminally
35 liable for transferring a person detained for evaluation and
36 treatment to a designated facility in accordance with this article.

37 (b) The peace officer or authorized professional responsible for
38 the detention of the person for evaluation and treatment who
39 transfers the custody of the person to an emergency professional

1 of a nondesignated hospital, shall not be civilly or criminally liable
2 for any of the following:

3 (1) The continuation and enforcement of the detention for
4 evaluation and treatment during the person's stay in the emergency
5 department of the nondesignated hospital prior to the discharge of
6 the person in accordance with this article.

7 (2) The release of the person from detention for evaluation and
8 treatment in accordance with this article.

9 (3) The transfer of the person detained for evaluation and
10 treatment to a designated facility in accordance with this article.

11 SEC. 17. Article 1.2 (commencing with Section 5150.30) is
12 added to Chapter 2 of Part 1 of Division 5 of the Welfare and
13 Institutions Code, to read:

14
15 Article 1.2. Voluntary Patients
16

17 5150.30. (a) A provider of ambulance services licensed by the
18 Department of the California Highway Patrol or operated by a
19 public safety agency, and the employees of those providers who
20 are certified or licensed under Section 1797.56 of the Health and
21 Safety Code, shall be authorized to transport a person who is
22 transferring on a voluntary basis to a designated facility for
23 psychiatric treatment. This section shall apply to transfers from
24 any type of facility, including nondesignated hospitals and other
25 facilities.

26 (b) A person shall not be detained for evaluation and treatment
27 solely for the purpose of transporting the person, or transferring
28 the person by a provider of ambulance services, to a designated
29 facility or an emergency department of a nondesignated hospital.

30 (c) Not later than July 1, 2016, the department shall adopt and
31 make available a standardized form that will enable voluntary
32 patients to consent to transfer between facilities by a provider of
33 ambulance services. The form shall be provided to voluntary
34 patients to sign before the arrival of the provider of ambulance
35 services. The form shall be kept in the patient's chart. Copies of
36 the form shall be given to the patient and the provider of ambulance
37 services.

38 (d) This section shall apply to all patients who are on voluntary
39 status, regardless of whether the person was previously detained
40 for evaluation and treatment at any point during the course of

1 treatment at a nondesignated hospital or designated facility prior
2 to the transfer.

3 (e) No person shall require a person to be subject to detention
4 for evaluation and treatment for the purpose of authorizing or
5 providing evaluation, treatment, or admission to a facility, or as a
6 condition for providing or paying for medical services, care, or
7 treatment, including emergency services and care, unless there is
8 probable cause under Section 5150 to detain the person for
9 evaluation and treatment and the person cannot be properly served
10 on a voluntary basis. Nothing in this part shall be construed as
11 preventing a person subject to detention for evaluation and
12 treatment from receiving evaluation or treatment on a voluntary
13 basis unless there has been an adjudication under this part that the
14 person lacks the capacity to do so.

15 SEC. 18. The heading of Article 1.3 (commencing with Section
16 5151) is added to Chapter 2 of Part 1 of Division 5 of the Welfare
17 and Institutions Code, to read:

18
19 Article 1.3. Admission to a Designated Facility
20

21 SEC. 19. Section 5151 of the Welfare and Institutions Code is
22 amended to read:

23 5151. ~~(a) If the a designated facility designated by the county~~
24 ~~for evaluation and treatment admits the person, it may detain him~~
25 ~~or her for evaluation and treatment for a period not to exceed 72~~
26 ~~hours. Saturdays, Sundays, and holidays may be excluded from~~
27 ~~the period if the State Department of Health Care Services certifies~~
28 ~~for each facility that evaluation and treatment services cannot~~
29 ~~reasonably be made available on those days. The certification by~~
30 ~~the department is subject to renewal every two years. The~~
31 ~~department shall adopt regulations defining criteria for determining~~
32 ~~whether a facility can reasonably be expected to make evaluation~~
33 ~~and treatment services available on Saturdays, Sundays, and~~
34 ~~holidays. hours from the time that the person was initially detained~~
35 ~~pursuant to subdivision (a) of Section 5150.~~

36 Prior

37 (b) Prior to admitting a person to the facility for treatment and
38 evaluation pursuant to Section 5150 evaluation, the professional
39 person in charge of the facility or his or her designee shall assess

1 *conduct an assessment of* the individual in person to determine the
2 appropriateness of the involuntary detention.

3 SEC. 20. Section 5151.1 is added to the Welfare and
4 Institutions Code, to read:

5 5151.1. If the assessment results in a determination that the
6 person is in need of mental health services, but he or she is not
7 admitted to the facility, the designated facility shall provide the
8 person with appropriate referrals and a list of alternative services
9 and other resources that are appropriate to the needs of the person.
10 The alternative services and other resources shall include both of
11 the following, as applicable:

12 (a) The services described in subdivision (b) of Section 5150.

13 (b) The services for persons with severe mental illness and
14 substance use disorders posted by a county on its Internet Web
15 site pursuant to Section 5013.

16 SEC. 21. Section 5151.2 is added to the Welfare and
17 Institutions Code, to read:

18 5151.2. (a) Each county shall establish disposition procedures
19 and guidelines with local law enforcement agencies for the safe
20 and orderly transfer of persons detained for evaluation and
21 treatment by a peace officer, who has requested notification under
22 Section 5152.1 of the person's release from detention for evaluation
23 and treatment in accordance with Section 5150.15, 5150.16, or
24 5151. The disposition procedures and guidelines shall include
25 persons who are not admitted for evaluation and treatment and
26 who decline alternative mental health services and persons who
27 have a criminal detention pending.

28 (b) The disposition procedures and guidelines should include
29 interagency communication between law enforcement agencies
30 located within the county, as well as law enforcement agencies
31 located in other counties, that take or arrange to take persons
32 detained for evaluation and treatment under Section 5150 to health
33 facilities within the county. The disposition procedures and
34 guidelines, including updates, shall be disseminated to designated
35 facilities and nondesignated hospitals.

36 SEC. 22. Section 5152.1 of the Welfare and Institutions Code
37 is amended to read:

38 ~~5152.1. The professional person in charge of the facility~~
39 ~~providing 72-hour evaluation and treatment, or his or her designee,~~
40 ~~shall notify the county mental health director or the director's~~

1 ~~designee and the peace officer who makes the written application~~
2 ~~pursuant to Section 5150 or a person who is designated by the law~~
3 ~~enforcement agency that employs the peace officer, when the~~
4 ~~person has been released after 72-hour detention, when the person~~
5 ~~is not detained, or when the person is released before the full period~~
6 ~~of allowable 72-hour detention if all of the following conditions~~
7 ~~apply:~~

8 *5152.1. (a) A designated facility or nondesignated hospital*
9 *shall notify the county mental health director, or the director's*
10 *designee, and the law enforcement agency that employs the peace*
11 *officer who makes the application for detention for 72-hour*
12 *evaluation and treatment pursuant to Section 5150, if the person*
13 *admitted pursuant to Section 5152 will be discharged after a*
14 *72-hour inpatient admission, when the person is not admitted by*
15 *the designated facility, when the person discharged before the*
16 *expiration of the 72-hour inpatient admission, when the person*
17 *discharged from detention for evaluation and treatment is released*
18 *under Section 5150.15, 5150.16, or 5151, or if the person elopes*
19 *from a designated facility or nondesignated hospital, if both of the*
20 *following conditions apply:*

21 ~~(a)~~
22 *(1) The peace officer who made the application for detention*
23 *for evaluation and treatment requests such notification of the*
24 *person's release or discharge at the time he or she makes the*
25 *application for detention for evaluation and treatment and the*
26 *peace officer certifies certified at that time in writing that the*
27 *person has been referred to the facility detained for evaluation and*
28 *treatment under circumstances which, based upon an allegation*
29 *of facts regarding actions witnessed by the officer or another*
30 *person, would support the filing of a criminal complaint. The*
31 *application for detention for evaluation and treatment shall include*
32 *one or more methods of contacting a person at the law enforcement*
33 *agency who may receive the notification.*

34 ~~(b)~~
35 *(2) The notice is limited to the person's name, address, date of*
36 *admission for 72-hour evaluation and treatment or initial service,*
37 *and date of release.*

38 ~~If~~
39 *(b) If a police officer, law enforcement agency, or designee of*
40 *the law enforcement agency, possesses any record of information*

1 obtained pursuant to the notification requirements of this section,
2 the officer, agency, or designee shall destroy that record two years
3 after receipt of notification.

4 *(c) The notice required by this section shall be made prior to*
5 *the release or discharge of the person, if possible. The designated*
6 *facility or nondesignated hospital shall consider the distance of*
7 *the law enforcement agency to the location of the designated*
8 *facility or nondesignated hospital in giving the notice. The peace*
9 *officer or other representative of the law enforcement agency*
10 *receiving the notice shall promptly advise the designated facility*
11 *or nondesignated hospital whether the peace officer or other law*
12 *enforcement agency representative shall take custody of the person*
13 *upon his or her release or discharge from the designated facility*
14 *or nondesignated hospital and, if so, the time at which the peace*
15 *officer or other law enforcement agency representative will be*
16 *present at the designated facility or nondesignated hospital.*

17 *(d) Nothing in this section shall be construed to require the*
18 *designated facility or nondesignated hospital to delay the discharge*
19 *of a person for purposes of awaiting the arrival of the peace officer*
20 *or another representative of the law enforcement agency.*

21 SEC. 23. Section 5152.2 of the Welfare and Institutions Code
22 is repealed.

23 ~~5152.2. Each law enforcement agency within a county shall~~
24 ~~arrange with the county mental health director a method for giving~~
25 ~~prompt notification to peace officers pursuant to Section 5152.1.~~

26 SEC. 24. Section 5152.2 is added to the Welfare and
27 Institutions Code, to read:

28 5152.2. In addition to the request for notification set forth in
29 the application for detention for evaluation and treatment, each
30 law enforcement agency shall arrange with the county mental
31 health director for a method for designated facilities and
32 nondesignated hospitals to give prompt notification to peace
33 officers under Section 5152.1. The methods for notification for
34 each county shall be disseminated by the county to the designated
35 facilities and nondesignated hospitals located within the county.

36 SEC. 25. Section 5153 of the Welfare and Institutions Code is
37 amended to read:

38 5153. Whenever possible, officers charged with apprehension
39 of persons pursuant to this ~~article~~ chapter shall dress in plain
40 clothes and travel in unmarked vehicles.

1 SEC. 26. Section 5270.50 of the Welfare and Institutions Code
2 is amended to read:

3 5270.50. (a) Notwithstanding Section 5113, if the provisions
4 of Section 5270.35 have been met, the professional person in
5 charge of the facility providing intensive treatment, his or her
6 designee, ~~and the professional person~~ *the medical director of the*
7 *facility or his or her designee described in Section 5270.53, the*
8 *psychiatrist* directly responsible for the person's treatment, *or the*
9 *psychologist* shall not be held civilly or criminally liable for any
10 action by a person released before ~~or at~~ the end of 30 days pursuant
11 to this article.

12 (b) *The professional person in charge of the facility providing*
13 *intensive treatment or his or her designee, the medical director of*
14 *the facility or his or her designee described in Section 5270.35,*
15 *the psychiatrist* directly responsible for the person's treatment, *or*
16 *the psychologist* shall not be held civilly or criminally liable for
17 any action by a person released at the end of the 30 days pursuant
18 to this article.

19 (c) *The attorney or advocate representing the person, the*
20 *court-appointed commissioner or referee, the certification review*
21 *hearing officer conducting the certification review hearing, and*
22 *the peace officer responsible for detaining the person shall not be*
23 *civilly or criminally liable for any action by a person released at*
24 *or before the end of 30 days pursuant to this article.*